

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

**IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION**

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/~~Decedent/Party~~
David E. Groomes Jr.
2. Spousal Plaintiff/~~Decedent/Party~~ spouse or other party making loss of consortium claim:
Elizabeth Venable-Groomes
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
4. Plaintiff's/~~Decedent/Party~~ state(s) [if more than one Plaintiff] of residence at the time of implant:
New York

1 5. Plaintiff's/~~Deceased Party's~~ state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

New York

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

U.S. District Court-Western District of New York-Buffalo Division

9 8. Defendants (check Defendants against whom Complaint is made):

© C. R. Bard Inc.

 Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

4 Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

✓ G2® Vena Cava Filter

□ G2® Express Vena Cava Filter

□ G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

1 Denali® Vena Cava Filter

2 Other: _____

3 11. Date of Implantation as to each product:

4 April 2, 2008

5 12. Counts in the Master Complaint brought by Plaintiff(s):

6 Count I: Strict Products Liability – Manufacturing Defect

7 Count II: Strict Products Liability – Information Defect (Failure
8 to Warn)

9 Count III: Strict Products Liability – Design Defect

10 Count IV: Negligence - Design

11 Count V: Negligence - Manufacture

12 Count VI: Negligence – Failure to Recall/Retrofit

13 Count VII: Negligence – Failure to Warn

14 Count VIII: Negligent Misrepresentation

15 Count IX: Negligence *Per Se*

16 Count X: Breach of Express Warranty

17 Count XI: Breach of Implied Warranty

18 Count XII: Fraudulent Misrepresentation

19 Count XIII: Fraudulent Concealment

20 Count XIV: Violations of Applicable New York (insert
21 state) Law Prohibiting Consumer Fraud and Unfair and
22 Deceptive Trade Practices

23 Count XV: Loss of Consortium

24 Count XVI: Wrongful Death

25 Count XVII: Survival

26 Punitive Damages

3	_____
4	_____
5	_____
6	_____
7	_____
8	_____

13. Jury Trial demanded for all issues so triable?

10 Yes
11 No

12 RESPECTFULLY SUBMITTED this 21st day of September, 2018.

13 || CELLINO & BARNES, P.C.

15 By: /s/ Brian A. Goldstein
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18 350 Main Street
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19 I hereby certify that on this 21st day of September, 2018, I electronically
20 transmitted the attached document to the Clerk's Office using the CM/ECF System for
21 filing and transmittal of a Notice of Electronic Filing.

/s/ Brian A. Goldstein